

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FCC MAIL SECTION

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William S. Gannon, President  
Gannon Broadcasting Systems, Inc.  
6514 Old Lake Road  
Grayling, Michigan 49738

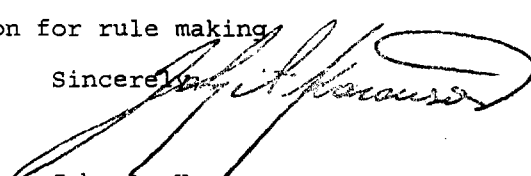
Dear Mr. Gannon:

This is in response to the petition for rule making which you submitted on August 29, 1994, requesting the substitution of Channel 262C1 for Channel 262C2 at Grayling, Michigan, and modification of your construction permit (BMPH-940217IG) for Station WQON to specify operation on the higher class channel. In your petition, you provide two methods for obtaining the upgrade. You acknowledge that Channel 262C1 at Grayling is short-spaced to Channel 263C at Sault Ste. Marie, Ontario, Canada. Therefore, you propose the substitution of Channel 263B for Channel 263C at Sault Ste Marie. In the alternative, you request the proposed allotment of Channel 262C1 at Grayling be accepted as a specially negotiated short-spaced allotment.

On June 4, 1993, the Commission adopted rules which allow certain licensees and permittees to request upgrades on co-channel and adjacent channels by application without first having their station's authorization modified through a rule making proceeding. Further, the Commission stated that those parties who do meet the guidelines must avail themselves of the new procedure. See Report and Order, MM Docket No. 92-159, 8 FCC Rcd 4735 (1993). Based on an initial review of your petition, we believe that your request can be processed under the new "one-step" upgrade procedure.

Therefore, we are returning your petition for rule making.

Sincerely,

  
John A. Karousos  
Acting Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

Enclosure

bcc: PIRS via Secretary's Office  
Romm 222 (2 copies)

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D. C. 20554

**RECEIVED**  
**AUG 29 1994**  
**FCC MAIL ROOM**

In the matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Assignments )  
FM Broadcast Stations )  
(Grayling, Michigan) )

RM-\_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Gannon Broadcasting Systems, Inc. ("Gannon") hereby respectfully submits the instant Petition for Rule Making to amend the Commission's FM Table of Allotments to substitute Channel 262C1 for Channel 262C2 at Grayling, Michigan. In support whereof, the following is shown:

1. Gannon is the licensee of WQON (FM), Grayling, Michigan, which has authority to operate on channel 262C2 at Grayling. Gannon wishes to upgrade the facilities of WQON to class C1.
2. As demonstrated in the Engineering Exhibit attached hereto, the instant Petition proposal is in full compliance with the FCC rules at 47 CFR 73.207 except for one Canadian allotment. The proposed allocation can be made without affecting the allocation of any other US station.
3. Grayling, Michigan has previously been determined to qualify as a community for allocation purposes with the allocation of Channel 262C2.
4. The proposed reference point is 44° 43' 15"N - 84° 23' 25"W. This reference point is in full compliance with 47 CFR 73.207 with regard to US stations. It is short-spaced to Channel 263C at Sault Ste. Marie, Ontario, Canada by 21.7 kilometers.

5. The Canadian allotment is currently used by CHAS-FM, which operates with 6.8 KW ERP at 32 meters HAAT (proposal for 14 KW ERP at 125 meters HAAT from a site 10 KM further from the US/Canadian border). There are other class-C allotments at Sault Ste. Marie, Ontario, Canada which are not in use at this time.

6. As the attached engineering exhibit explains, the 52 dBu  $f(50,10)$  interference contour from the proposed Grayling 262C1 allocation will not extend onto Canadian soil, and no interference will be caused to the Canadian class-C allocation were this proposal to be unilaterally granted. The 48 dBu  $f(50,10)$  interference contour of the Canadian 263C allocation, if operated at maximum facilities from the current site would overlap the 54 dBu  $f(50,50)$  contour of the Grayling 262C1 allocation by some 50 kilometers. Application of the US domestic standard for protection of a class-C1 allocation results in a received overlap from the Canadian  $f(50,10)$  54 dBu interference contour to the Grayling  $f(50,50)$  60 dBu contour of 19 kilometers.

7. If the Canadian allocation of channel 263C at Sault Ste. Marie, Ontario were changed to 263B, the spacing requirements would be fully met and no interference would result. The current and proposed operation of CHAS-FM would not be affected by this change in class, since neither approach the class-B facilities limit. Gannon herein proposes that Channel 263B be substituted for Channel 263C at Sault Ste. Marie, ON, CA and that the necessary negotiations be commenced.

8. As an alternative to the modification of the Sault Ste. Marie, ON allocation, it is proposed that the allocation of channel 262C1 at Grayling, MI be accepted as a specially negotiated short-spaced allocation, with the US allotment conditioned to accept the overlap area from the Canadian allocation. It should be noted here that the Canadian allocation transmitter site would have to be located on US soil to cause the overlap area to increase beyond that which would initially exist.

There would be no meaningful limit on the expansion of service at CHAS-FM imposed by the Grayling allocation since CHAS-FM cannot cross the border with its transmitter site.

9. Since the proposed allocation would provide Grayling and the northern portion of Michigan's lower peninsula with an expanded wide-area coverage service, and contribute to the fair and efficient distribution of FM allocations, the instant proposal would be in the public interest. Gannon will immediately file the required FCC form 301 for authority to construct the Channel 262C1 facility upon grant of this Petition.

WHEREFORE, the foregoing considered, Gannon respectfully requests that the Commission GRANT the instant petition, and AMEND the FM Table of Allotments as shown below.

**OPTION I**

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Grayling, MI	262C2	262C1
Sault Ste Marie, ON, CA	201A, 208B, 215B, 221C, 225B, 238C, 247B, 263C, 282C, 297C	201A, 208B, 215B, 221C, 225B, 238C, 247B, 263B, 282C, 297C

**OPTION II**

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Grayling, MI	262C2	262C1 <sup>1</sup>

<sup>1</sup> Specially Negotiated Short-Spaced Allocation. Must accept objectionable interference from Canadian allocation of channel 263C at Sault Ste. Marie, ON, CA as defined by the Working Arrangement for Allotment and Assignment of FM Broadcasting Channels 201-300, dated September 7, 1984, under the Canadian-USA FM Broadcasting Agreement of 1947 as amended.

Respectfully submitted,

Gannon Broadcasting Systems, Inc.

The information contained herein is true and correct to the best of my knowledge, information, and belief, and the intent of submission is to upgrade the facilities of WQON (FMP, Grayling, Michigan to class C1 as outlined in the Petition.

By.

  
William S. Gannon, President,  
Gannon Broadcasting Systems, Inc.

Gannon Broadcasting Systems, Inc.  
6514 Old Lake Road  
Grayling, MI 49738

(517) 348-6171

August 3, 1994

**ENGINEERING EXHIBIT FOR  
GANNON BROADCASTING SYSTEMS, INC.  
GRAYLING, MICHIGAN**

This engineering exhibit was prepared in support of a Petition for Rulemaking being filed by Gannon Broadcasting Systems, Inc. ("Gannon") to amend 47 CFR 73.202(b) as follows:

Gannon proposes that channel 262C1 be substituted for channel 262C2 at Grayling, Michigan and the license of WQON (FM), Grayling, be modified to specify operation on the upgraded channel. Gannon will file FCC form 301 reflecting this change as soon as the allocation is modified.

The proposed channel allocation can be made in full compliance with FCC domestic allocation rules from a reference point approximately 27 kilometers northeast of Grayling. Upgrading the channel to 262C1 will require the changing of a Canadian allocation as described below. The NAD 27 geographic coordinates of the reference point are:

**44° 43' 15"N - 84° 23' 25"W**

In order to upgrade this channel, the existing allocation of channel 263C at Sault Ste. Marie, Ontario, Canada has to be changed to 263B. Currently, CHAS-FM operates on this channel with an ERP of 6.8 KW at 32 meters HAAT, with a proposal to relocate to an existing tower 10 kilometers farther from the US-Canadian border, operating with 14 KW at 125 meters HAAT. Neither of these facilities approach the class-B limit of 50 KW ERP at 150 meters HAAT.

If the allocation were changed to 263B, the operation of CHAS-FM would not be affected. The site restriction imposed upon the channel is essentially the border, as CHAS-FM could not locate its transmitter on US soil. This is the same whether channel 263 is a C or B channel. It is respectfully requested that the necessary negotiations be

commenced with the Canadian government to implement the proposed change at Sault Ste. Marie, ON.

As an alternative proposal, the allocation of channel 262C1 at Grayling can be accomplished as a "specially negotiated short-spaced allotment" with regard to channel 263C at Sault Ste. Marie. At the reference point listed above, and with maximum class C1 facilities of 100 KW ERP at 299 meters HAAT, the 52<sup>1</sup> dBu f(50,10) interference contour from Grayling would not cover any Canadian land areas. There would be no interference caused to the Sault Ste. Marie allocation. The 48<sup>1</sup> dBu f(50,10) interference contour from Sault Ste. Marie would overlap the 54<sup>1</sup> dBu f(50,50) protected contour at Grayling only if the Sault Ste. Marie station were operating with more than 100 KW ERP at 200 meters HAAT or equivalent facilities. The US protection requirements are met with 100 KW ERP and 300 meters HAAT at Sault Ste. Marie. It should be noted here that the US first-adjacent channel requirements for C1-C1 spacings are met at this reference point.

The attached tabulation illustrates the spacing situation for the 262C1 allocation at Grayling, showing full compliance with the domestic provisions of 47 CFR 73.207.

**OPTION I (Preferred)**

<b><u>Community of License</u></b>	<b><u>Present</u></b>	<b><u>Proposed</u></b>
Grayling, Michigan	262C2	262C1
Sault Ste. Marie, ON, CA	201A, 208B, 215B, 221C, 225B, 238C, 247B, 263C, 282C, 297C	201A, 208B, 215B, 221C, 225B, 238C, 247B, 263B, 282C, 297C

<sup>1</sup> Protected and interference contours from Working Arrangement for Allotment and Assignment of FM Broadcasting channels 201-300 under the Canadian-USA FM Broadcasting Agreement of 1947, dated September 7, 1984.

**Mueller Broadcast Design**613 S. LaGrange Rd  
LaGrange, IL 60525**OPTION II (Alternate)**

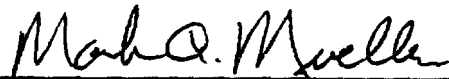
<b><u>Community of Licensee</u></b>	<b><u>Present</u></b>	<b><u>Proposed</u></b>
Grayling, MI	262C2	262C1*

\* Specially Negotiated Short-Spaced Allocation. Must accept objectionable interference from Canadian allocation of channel 263C at Sault Ste. Marie, ON, CA as defined by the Working Arrangement for Allotment and Assignment of FM Broadcasting Channels 201-300, dated September 7, 1984, under the Canadian-USA FM Broadcasting Agreement of 1947 as amended.

It is respectfully submitted that the allotment of channel 262C1 as outlined herein is in the public interest and will result in a fair and efficient distribution of allocations, provide Grayling, Michigan and the surrounding area with an expanded wide-area-coverage service, thus expanding broadcast service to the public.

This engineering exhibit was prepared by me and is true and correct to the best of my knowledge and belief.

August 2, 1994



Mark A. Mueller

**Mueller Broadcast Design**613 S. LaGrange Rd  
LaGrange, IL 60525**FM Channel Search for: Grayling, Michigan**  
**Coordinates used: 44-43-15/ 84-23-25**NOTE: All distances are in Kilometers. Any stations which  
clear by more than 100 KM are not included in list.

<u>Study for channel 262-C1 (100.3MHz )</u>					<u>-----Spacing-----</u>		
<u>CH#</u>	<u>Call</u>	<u>File</u>	<u>Location</u>	<u>Class</u>	<u>Actual</u>	<u>FCC</u>	<u>Clearance</u>
208 ( 89.5 MHz )							
	WCMUFM	LIC	Mount Pleasant	MI C1	131.1	34	97.1 @ 193.6
259 ( 99.7 MHz )							
	WUGN	CP	Midland	MI C	134.5	105	29.5 @ 185.5
	WUGN	LIC	Midland	MI C1	134.5	82	52.5 @ 185.5
260 ( 99.9 MHz )							
	WELG	CP	Rogers City	MI C2	83.8	79	4.8 @ 25.9
261 ( 100.1 MHz )							
	WRQT	LIC	Bear Lake	MI A	141.5	133	8.5 @ 257.0
	WSHNFM	LIC	Fremont	MI A	186.3	133	53.3 @ 222.2
262 ( 100.3 MHz )							
	WNIC	LIC	Dearborn	MI B	277.8	270	7.8 @ 158.4
263 ( 100.5 MHz )							
	WTCF	LIC	Carrollton	MI A	133.0	133	0.0 @ 165.6
* CHASFM			Sault Ste Marie	ON B	198.8	195	3.8 @ 1.7
* CHASFM			Sault Ste Marie	ON B	208.3	195	13.3 @ 1.1
	WQFN	CP	Walker	MI A	218.2	133	85.2 @ 210.2
	WQFN	APP	Walker	MI A	227.7	133	94.7 @ 211.5
264 ( 100.7 MHz )							
	WCLS	LIC	Oscoda	MI C3	81.9	76	5.9 @ 100.8
265 ( 100.9 MHz )							
	WIZY	LIC	East Jordan	MI A	75.6	75	0.6 @ 312.6
	WBTZ	CP	Pinconning	MI A	100.1	75	25.1 @ 166.2
	WBTZ	LIC	Pinconning	MI A	100.1	75	25.1 @ 166.2
	WBRNFM	LIC	Big Rapids	MI A	146.3	75	71.3 @ 216.9

\* CHAS-FM assumed as Class-B for this study.  
This channel can be used by a class-C1 station.

**WGRY / WQON**  
**GANNON BROADCASTING SYSTEMS, INC.**  
6514 OLD LAKE ROAD • GRAYLING, MI 49738  
(517) 348-6171 FAX: (517) 348-6181

Federal Communications Commission  
Washington, DC 20554

In the matter of

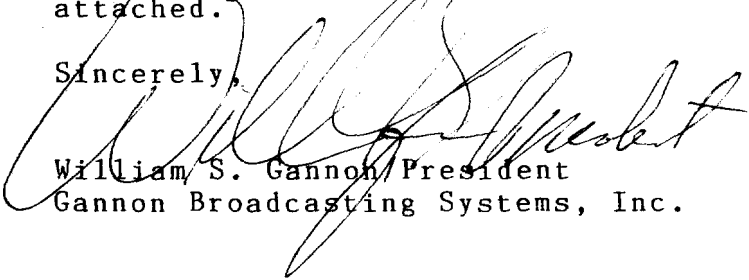
Amendment of Section 73.202(b)  
Table of Assignments  
FM Broadcast Stations  
(Grayling, Michigan)

August 3, 1994

To: Chief, Allocations Branch

Please note that on November 9, 1993 there was a name change of DeWitt Radio, Inc. to Gannon Broadcasting Systems, Inc.. This change has been brought to the Commission's attention but there is still some confusion. Please be aware that DeWitt Radio, Inc. is Gannon Broadcasting Systems, Inc.. A copy of the notice is attached.

Sincerely,

  
William S. Gannon, President  
Gannon Broadcasting Systems, Inc.

RECEIVED  
AUG 29 1994  
FCC MAIL ROOM

# WGRY-DEWITT RADIO, INC.

6514 OLD LAKE ROAD  
GRAYLING, MICHIGAN 49738  
(517) 312 6171

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M. Street, N.W., Room 222  
Washington, D.C. 20554

November 9, 1993

Dear Mr. Caton,

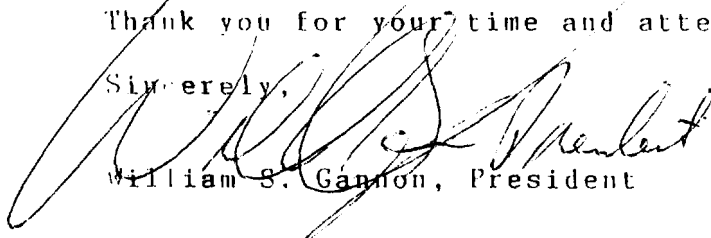
Please be advised that on November 8, 1993 the Articles of Incorporation for DeWitt Radio, Inc. were changed to reflect a name change to:

Gannon Broadcasting Systems, Inc.

Please update all paper work to reflect this name as superseding all license and permits assigned to DeWitt Radio, Inc.

Thank you for your time and attention on this matter.

Sincerely,



William S. Gannon, President

c.c. Irby C. Tallant, EIC  
Detroit local district office

WSG/mpg